Item No. 8

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 3 of 2018

In Re Effective Implementation of Welfare Schemes including Widow Pension Schemes etc. in the State.

....*Petitioner*

- Versus -

1. State of Manipur through its Chief Secretary, Old Secretariat, Manipur.
2. The Principal Secretary/Commissioner/Secretary, Social Welfare Department, Government of Manipur.
3. The Principal Secretary, Consumer Affairs, Food & Civil Supplies Department (CAF & PD), Govt. of Manipur.
4. The Director, Social Welfare Department, Govt. of Manipur.
5. The Director, Consumer Affairs, Food & Civil Supplies Department (CAF & PD), Govt. of Manipur.

…*Respondents*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

For the petitioner	:	Ms. N. Savitri, Amicus Curiae
For the respondents	:	Mr. M. Rarry, Addl. Advocate General
Date of hearing & order	:	21.01.2020

O R D E R

[R.S., CJ]

[1] Heard Ms. N. Savitri, learned Amicus Curiae and Mr. M. Rarry, learned counsel appearing for the respondents.

[2] This PIL focuses on the benefits that should be given to the widows, destitute women etc.

[3] The pitiable condition of women/orphan destitutes were highlighted in some newspapers and based on that, a report was submitted to this Court stating that Indira Gandhi Widow Pension Scheme and other beneficial schemes like (a) Indira Gandhi National Old Age Pension Scheme [IGNOAPS], (b) Indira Gandhi national Widow Pension Scheme [IGNWPS], (c) Indira Gandhi National Disability Pension Scheme [IGNDPS], (d) National Family Benefit Scheme [NFBS], (e) Annapurna Scheme have not been properly implemented in the State of Manipur. The Central Government under the National Social Assistance Programme (NSAP) which is called Centrally Sponsored Scheme (CSS) provides financial assistance to people as above through various schemes which are mentioned above. One other scheme provides rice under the Annapurna Scheme. Due to improper implementation of these schemes, the deserving persons are not able to get the benefits. Hence, the present PIL has been registered.

[4] On 14.02.2018 this Court passed the following order :

> *"A news item has appeared in the Sangai Express (English Edition) on 12th February, 2018 titled, "Widow Pension eludes many deserving women". After perusing the same, this Court is of the view that though several beneficial Schemes have been formulated by the State Government to provide financial assistance to widows and persons with disabilities, the benefits under the said schemes are not being given to the beneficiaries. The schemes enumerated in the memorandum of the petition are – i) Indira Gandhi National Old Age Pension Scheme (IGNOAPS); ii) Indira Gandhi National Widow Pension Scheme (IGNWPS); iii) Indira Gandhi Disability Pension Scheme (IGNDPS); iv) National Family Benefit Scheme (NFBS) and v) Annapurna Scheme.*
>
> *It appears that the benefits of the above schemes do not reach deserving persons.*
>
> *We find that in the news item it is stated that one Haobam (O) Bimola Devi, age 48 years, who is eligible for the Widow Pension Scheme had been denied the benefit of the same. She tried her best through the local MLA to get her name enlisted for the said scheme. Smt. Bimola Devi, submitted an application form for the Widow Pension Scheme, along with necessary documents, through a worker of the local MLA and also paid Rs. 500/-. She was assured that her name would certainly be enlisted for the Pension Scheme. Smt. Bimola Devi went to the DC office repeatedly but was not given any*

benefits. Being a daily wage earner, she is unable to pursue the matter repeatedly. It is stated that Smt. Bimola Devi has spent about Rs. 2 lakh to treat her deceased husband and is in dire need of financial assistance.

The plight of Smt. Bimola and others like her, who are eligible for benefits under the Scheme, require our attention.

Issue notice to the respondents, making it returnable on 16.03.2018.

Mr. N. Kumarjit, learned Advocate General assisted by Mr. P. Tamphamani, learned Advocate waives service of notice for all the respondents.

We request Ms. N. Savitri, learned advocate to act as Amicus Curiae. She has kindly consented.

Copies of the petition with annexures, be supplied to the learned Advocate General and learned Amicus Curiae.

List on 16.03.2018."

[5] Thereafter, this Court passed orders on 18.04.2018, 26.10.2018, 06.05.2019 and 11.06.2019.

[6] Order dated 18.04.2018 reads as follows :

"Heard Ms. Savitri, learned Amicus Curiae.

Heard also Mr. N. Kumarjit, learned AG assisted by Mr. P. Tamphamani, learned counsel appearing for the respondent.

Mr. N. Kumarjit, leared AG submits that the State has filed affidavit-in-opposition in which, it has been stated that the relevant Welfare Schemes have been implemented.

Ms. Savitri, learned Amicus Curiae submits that there are many instances where the deserving persons have not got the benefits for which, she would like to take some time to furnish the necessary information before this Court and accordingly, prays for 45 (forty five) days to do so.

She further submits before this Court that on her interaction and consultation, it has been found that many of the Gram Panchayats, members of the Municipal Council etc. who have to play an important role in identifying the new beneficiary under various schemes are not even aware of these schemes.

It has been provided under the aforesaid National Social Assistance Programme (NSAP) that the District, Blocks / Immediate and Village Panchayat and urban local institution should play a vital role in creating awareness programme among the people.

Unfortunately, since the aforesaid awareness is lacking among the aforesaid representatives, such awareness programmes also need to be organized.

While the State respondent may also take necessary steps for creating awareness among the representatives of the people, the learned Amicus Curiae can also approach the Manipur State Legal Service Authority for creating

awareness among the elected representatives and the members of the public.

List this matter on 06.06.2018.

Copy of this order may be furnished to all the learned counsel for the parties as well as to the Member Secretary of the Manipur State Legal Service Authority."

[7] Order dated 26.10.2018 reads as follows :

"Heard Ms. Savitri, learned Amicus Curiae as well as Mr. N. Kumarjit, learned Advocate General, Manipur.

Consequent to survey made in certain areas in and around Imphal, the learned Amicus Curiae has filed an additional affidavit annexing datas which indicates that some of the beneficiaries under the ***National Social Assistance Programme*** *has not been given the benefits despite applications being made ranging from six months to two years. The data further indicates that many beneficiaries are not aware of the existence of the programme.*

Learned Advocate General, Manipur submits that the State is dependent on the funds given by the Central Government for sanctioning the same to the beneficiaries. He also submits that the list of beneficiaries are submitted to the Central Government and only when sanction is given, the beneficiaries are given the benefits.

Considering the submission made by the learned Advocate General, the representatives are directed to file an affidavit indicating the list of beneficiaries that has been submitted to the Central Government for giving the benefits. The learned Advocate General, Manipour shall also furnish the list of beneficiaries that has been given benefits under the said scheme. The affidavit shall also indicate the basis on which the beneficiaries have been selected.

For the said purpose, four weeks' time is allowed to the learned Advocate General, Manipur.

List the matter again on 30.10.2018."

[8] Order dated 06.05.2019 reads as follows :

"The Deputy Commissioners of each District is directed to contact the District Legal Services Authority for implementation of the all five welfare schemes in letter and spirit. The Member Secretary will coordinate with all the Secretary of the District Legal Services Authority for effective implementation of the five welfare schemes and a report will be filed by the Member Secretary before this Cort on the effective implementation of the five welfare schemes by 27.5.2019.

Copy of this order be supplied to all the counsels and the Member Secretary, Manipur State Legal Services Authority, all Deputy Commissioners.

Mr. Rarry, learned Addl. A.G. is directed to furnish copy of the five welfare schemes to the Member Secretary, MASLSA and the Secretaries of all District Legal Services Authority.

List again on 27.05.2019."

[9] Order dated 11.06.2019 reads as follows :

"[1] Today when the matter is taken up, Mr. Rarry, learned Addl.AG referring to the order of this Court dated 6.5.2019 which is extracted as below:

> *"6.5.2019*
>
> *"The Deputy Commissioners of each District is directed to contact the District Legal Services Authority for implementation of the all five welfare schemes in letter and spirit. The Member Secretary will coordinate with all the Secretary of the District Legal Services Authority for effective implementation of the five welfare schemes and a report will be filed by the Member Secretary before this Court on the effective implementation of the five welfare schemes by 27.5.2019.*
>
> *Copy of this order be supplied to all the counsels and the Member Secretary, Manipur State Legal Services Authority, all Deputy Commissioners.*
>
> *Mr.Rarry, learned Addl.AG is directed to furnish copy of the five welfare schemes to the Member Secretary, MASLSA and the Secretaries of all District Legal Services Authority.*
>
> *List again on 27.5.2019."*

and the subsequent order dated 27.5.2019 which is quoted as below:-

> *"27.5.2019*
>
> *Ms. Savitri, learned counsel appears for the Amicus Curiae and Mr. M. Rarry, learned Additional Advocate General appears for the respondents.*
>
> *Registrar (Judl) of this Registry is to make 8(eight) copies of the report of the Member Secretary, Manipur Legal Services Authority (MASLSA) dated 24.05.2019. One copy be issued to Ms. Savitri, Amicus Curiae and one copy to Mr. Mr. M.Rarry, learned Additional Advocate General and other remaining copies be kept in covered for giving to the concerned Department.*
>
> *Post on 11.6.2019."*

stated that he has instruction to state that the District Level Committee of the Social Welfare Department is the nodal agency to implement the welfare schemes. The term of the members of the erstwhile Committee expired in the year 2015 and therefore, departmentally steps have been taken to appoint new Committee. The file has moved from the Director(Social Welfare) to the Principal Secretary (Social Welfare), Govt.of Manipur and therefore, he pleaded that the Court may issue orders for early constitution of the District Level Committee so that these welfare measures can be implemented in letter and spirit.

[2] We record the statement.

[3] In view of the above stand taken by the State as above, we are inclined to direct the State represented by the Principal Secretary (Social Welfare) to ensure that the District Level Committee is constituted in a time bound manner so that the various schemes are implemented without any further delay. We hasten to add that the Principal (Social Welfare) has to complete the process on or before 31st July, 2019 because the term of the earlier Committee had already expired in 2015 and the welfare schemes have been put in cold storage on account of inaction on the part of the Department of Social Welfare. This delay and inaction is a very serious issue and the officer who are in the management of affairs of the department and responsible for the constitution of the District

Level Committee will have to be made accountable for their delay in processing the file.

[4] The objective of the Social Welfare Department of the State Government is to provide various welfare measures to the people of Manipur through the schemes. Dereliction of duty by the officers of the State calls for serious action and accountability.

[5] The Principal Secretary (Social Welfare) shall fix responsibility on the officer who have slept over the issue and at the same time, steps should be taken to constitute the District Level Committee on or before 31.9.2019 and the schemes should be implemented on or before 27.9.2019. It is further made clear that no further time will be given to the officers. The non-observance of this Court's direction will be viewed seriously.

[6] A copy of this order be issued to Mr. Rarry, learned Addl.AG and the learned Amicus Curiae and to the State officers by registered post.

[7] List the matter on 1st October, 2019."

[10] Pursuant to the order dated 11.06.2019, additional affidavit was filed on 03.10.2019 as follows :

"2. That, this Hon'ble Court vide order dated 11/06/2019 was pleased to pass an order directing the Respondent No. 2 to constitute the District Level Committee for all the 16 Districts in the State of Manipur for implementation of National Social Assistance Programme (NSA) at the State Level, as the revised Guidelines of NSAP.

3. That, the Additional Secretary (SW) vide order dated 30/05/2019 was pleased to constitute the District Level Committee for the 16 Districts under National Social Assistance Programme and specifying the constitution of the members of the State Committee.

4. That, vide another order dated 19/6/2019 issued by the Additional Secretary in partial modification of the order dated 30/5/2019, the District Social Welfare Officer of the concerned District is appointed as the Member Secretary for the District Level Committee constituted vide order dated 30/5/2019 for the 16 (Sixteen) Districts under National Social Assistance Programme (NSAP) for monitoring and evaluating the Scheme.

5. That, vide another letter dated 27/6/20189 issued by the Additional Secretary (SW) addressed to all the Deputy Commissioner of all the 16 Districts, it was directed to constitute the aforementioned Committee of their respective District and submit a Report on or before 10/7/2019 vide the said letter.

6. That, in the facts submitted above, the answering Respondents submits that all efforts have been made in constituting the District Level Committee as directed by this Hon'ble Court."

[11] Order dated 30th May, 2019 (Annexure – R/2) reads as follows :

"GOVERNMENT OF MANIPUR
SECRETARIAT : SOCIAL WELFARE DEPARTMENT

ORDERS BY THE GOVERNOR : MANIPUR
Imphal, the 30th May, 2019

No. 13/1/2018-S(SW): *In supersession of previous Orders issued in this regard, the Governor of Manipur is pleased to constitute the District Level Committee for the 16 (Sixteen) Districts under National Social Assistance Programme (NSA) for monitoring and evaluating the Scheme comprising of the following members :*

1.	*Deputy Commissioner of the concerned District*	*-*	*Chairperson*
2.	*(4) Four representatives from among Chairpersons of Gram Panchayats and Municipalities in Valley Districts (to be nominated by DC concerned)/* *(4) Four representatives / members of Autonomous District Councils in Hill Districts (to be nominated by DC concerned)*	*-*	*Member*
3.	*Chief Medical Officers of the concerned District*	*-*	*Member*
4.	*District Social Welfare Officer concerned*	*-*	*Member*
5.	*4 (Four) Independent experts and representatives of NGOs Working in the area (to be nominated by DC concerned)*	*-*	*Member*

By Orders & in the name of the Governor,
Sd/-
(Th. Chitra Devi)
Additional Secretary (Social Welfare)
Government of Manipur"

[12] Order dated 19.06.2019 (Annexure – R/3) reads as follows :

*"**GOVERNMENT OF MANIPUR***
SECRETARIAT : SOCIAL WELFARE DEPARTMENT

ORDERS BY THE GOVERNOR : MANIPUR
Imphal, the 19th June, 2019

No. 13/1/2018-S(SW) *: In partial modification of this office order of even number dated 30th May, 20189, the Governor of Manipur is pleased to appoint the District Social Welfare Officer of the concerned District, as the Member Secretary for the District Level Committee constituted vide order dated 30.05.2019 for the 16 (Sixteen) Districts under National Social Assistance Programme (NSAP) for monitoring and evaluating the Scheme.*

By orders & in the name of the Governor,
Sd/-
(Th. Chitra Devi)
Additional Secretary (Social Welfare),
Government of Manipur"

[13] Letter dated 27.06.2019 (Annexure – R/4) reads as follows :

*"**No. 19/40/2017-S(SW)***
GOVERNMENT OF MANIPUR
SECRETARIAT : SOCIAL WELFARE DEPARTMENT

Imphal, the 27th June, 2019

To
The Deputy Commissioner,

(Imphal West / Imphal East / Bishnupur / Thoubal / Kakching / Jiribam / Chandel / Noney / Tamenglong / Churachandpur / Pherzawl / Kamjong / Tengnoupal / Ukhrul / Senapati / Kangpokpi).

Subject : ***Constitution of District Level Committee for the 16 (Sixteen) Districts under National Social Assistance Programme (NSAP) – regarding thereof.***

Madam / Sir,

With reference to the above subject, I am directed to inform you to refer to this Government Order No. 13/1/2018- S(SW) dated 30-05-2019 and another Government Order of even no. dated 19-06-2019 wherein the District Level Committee (DLC) under National Social Assistance Programme (NSAP) for monitoring and evaluating the scheme is constituted with the composition of required Members with Deputy Commissioner of the concerned District as Chairperson and District Social Welfare Officer concerned as Member Secretary. Copies of the said Orders had also been endorsed to you for taking necessary action at the earliest.

Further, I am directed to request you kindly to constitute the aforementioned Committee of your respective District and submit report on the constitution of such Committee on or before 10-07-2019 positively.

*Matter may kindly be treated on "**Top Priority"** and **"Time Bound".***

Yours faithfully,
Sd/-
(Th. Chitra Devi)
Additional Secretary (SW)
Government of Manipur"

[14] In view of the formation of District Level Committee, it is now incumbent on the Additional Secretary (SW), Government of Manipur and Deputy Commissioner of each District to monitor the various schemes under the National Social Assistance Programme (NSAP) and effectively implement the objectives of the Central Government.

[15] Needless to state that each Deputy Commissioner will personally supervise the implementation of the schemes and give report monthly to the Government of Manipur without any default. Any inaction on the part of the Deputy Commissioner or the subordinate concerned officer should be viewed seriously and the Government should take appropriate action against the errant officers. While the schemes are meant for the benefit of the people, the officers

are duty bound to implement the welfare schemes without any reservation or hesitation.

[16] This Court would like to emphasize that the Government and officers have to discharge their duties for the benefit of the people. They are employee of the people to serve the people. Keeping this in mind, all the officers should ensure that the welfare schemes reach the widow destitutes and children as per the schemes.

[17] The Deputy Commissioner of each District and District Level Committee will ensure that these welfare schemes are widely published and such information is disseminated in print media so that beneficiaries hailing from far flung areas will be able to seek the benefit. The Para Legal Workers of the Legal Services Authority will also work in co-ordination with the District Level Committee to ensure that the Welfare Schemes are implemented in letter and spirit.

[18] With this observation and direction, this PIL stands disposed of.

[19] A copy of this order be issued to the Secretary, Social Welfare, Government of Manipur and all the Deputy Commissioners of each District. It will be sent to each Committee formed in different Districts. A copy of this order be issued to the Member Secretary, Manipur State Legal Services Authority for implementation.

[20] PIL stands disposed of as above.

JUDGE **CHIEF JUSTICE**

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